



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3532

Introduced 2/14/2014, by Sen. Matt Murphy

SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-804

from Ch. 91 1/2, par. 3-804

Amends the Mental Health and Developmental Disabilities Code. Provides that if the respondent is unable to obtain an examination in an involuntary admission proceeding or in a proceeding seeking the administration of psychotropic medication or electroconvulsive therapy, the respondent may request that the court order an examination to be made by a physician, qualified examiner, clinical psychologist, or other expert (rather than by an impartial medical expert under Supreme Court Rules or by a qualified examiner, clinical psychologist, or other expert). Provides that the court must determine the compensation of the examiner or other expert. Provides that the compensation must be paid by the respondent's county of residence unless the respondent is not a resident of the State, in which case the fee must be paid by the county in which the proceeding is pending. Deletes provision that determination of the compensation of the physician, qualified examiner, clinical psychologist, or other expert and its payment shall be governed by Supreme Court Rule.

LRB098 15786 RLC 50818 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Section 3-804 as
6 follows:

7 (405 ILCS 5/3-804) (from Ch. 91 1/2, par. 3-804)

8 Sec. 3-804. The respondent is entitled to secure an
9 independent examination by a physician, qualified examiner,
10 clinical psychologist or other expert of his or her choice. If
11 the respondent is unable to obtain an examination in an
12 involuntary admission proceeding or in a proceeding under
13 Section 2-107.1 of this Code, the respondent, he may request
14 that the court order an examination to be made by a physician,
15 ~~an impartial medical expert pursuant to Supreme Court Rules or~~
16 ~~by a~~ qualified examiner, clinical psychologist, or other
17 expert. Any such physician or other examiner, whether secured
18 by the respondent or appointed by the court, may interview by
19 telephone or in person any witnesses or other persons listed in
20 the petition for involuntary admission or in the petition for
21 medication or therapy under Section 2-107.1 of this Code. The
22 physician or other examiner may submit to the court a report in
23 which his findings are described in detail. The court must

1 determine the compensation of the examiner or other expert. The
2 compensation must be paid by the respondent's county of
3 residence unless the respondent is not a resident of this
4 State, in which case the fee must be paid by the county in
5 which the proceeding is pending. ~~Determination of the~~
6 ~~compensation of the physician, qualified examiner, clinical~~
7 ~~psychologist or other expert and its payment shall be governed~~
8 ~~by Supreme Court Rule.~~

9 (Source: P.A. 85-558.)